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**U S C
AT
SPARTANBURG**

**FACULTY
MANUAL**

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FACULTY MANUAL

UNIVERSITY OF SOUTH CAROLINA
AT SPARTANBURG

B5-14

PREAMBLE

The University of South Carolina at Spartanburg is a four-year branch of the University of South Carolina. The institution opened its doors to students for the first time in September 1967, as a two-year regional campus in the University system. In September 1974, the University of South Carolina Board of Trustees elevated the campus to four-year status in accordance with South Carolina Statute No. 1268. An initial complement of twelve baccalaureate degree programs was approved by the University of South Carolina Board of Trustees and the South Carolina Commission on Higher Education for Fall 1975.

- (4) To make contracts and to have, to hold, to purchase and to lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are deemed by it as surplus property or not further needed and any buildings that it may need do away with for the making room for other construction; provided, however, the University shall not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the General Assembly;
- (5) To appoint a chairman of the board of trustees and to appoint a University president, treasurer and secretary, and in the appointment of these latter three to prescribe their duties and their terms of office and to fix their compensation;
- (6) To appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, and other employees prescribing the terms of their duties, and fixing their compensation;
- (7) To make by-laws and all rules and regulations deemed expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State of the United States;
- (8) To condemn land for corporate purposes as provided in Section 22-107;
- (9) To fix tuition fees and other charges for students attending the University, but these shall not be inconsistent with statutes where the legislature undertakes to fix such fees and charges, . . . ;
- (10) To confer degrees upon students and such other persons as in the opinion of the board of trustees may be qualified to them;
- (11) To accept, receive and hold all moneys or other properties, real and personal, that may be given, conveyed, bequeathed or devised to the University, and to use them for the benefit of the University; but in those cases where such money or property shall be held and used strictly in accordance with the terms of such trust; provided, however, where the terms of any such trust would require something to be done other than merely to administer the trust no obligation in receiving the trust over and above merely its administration shall be binding upon the University or the State except such as are accepted by the General Assembly;
- (12) To assign any member of the faculty to additional duties in any other University department than that in which the faculty member may at the time be working and without additional salary;
- (13) In all investigations touching the affairs of the University the board of trustees is invested with full powers to compel by subpoena, rule and attachment witnesses to appear and testify and papers to be produced and read before such board;
- (14) To adopt such measures and make such regulations as may in the discretion of the board of trustees be necessary for the proper operation of the University;
- (15) To appoint for the University a board of visitors of such number as the board of trustees may deem expedient and to regulate the terms during which the members of such board shall serve, and to prescribe the function of such board of visitors;

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BOARDS AND COMMISSIONS

Board of Trustees

The University of South Carolina was chartered by the South Carolina General Assembly in 1801 and the latest revision of this act occurred in 1962. The Board of Trustees, which derives its authority from the General Assembly of South Carolina, is the governing body of the University and all of its constituent units, wherever situated. The powers of the President and of all faculties of the University are delegated by the Board in accordance with its policies.

Several sections of the charter act which pertain to the Board of Trustees are quoted below:

Composition of the Board of Trustees (Section 22-101)

The board of trustees of the University of South Carolina shall be composed of the Governor of the State, the State Superintendent of Education, and the Chairman of the committees on education of the Senate and House of Representatives, which four shall be members ex officio of the board, and sixteen other members, one from each judicial circuit in this State, to be elected by the general vote of the General Assembly as hereinafter provided.

Terms of Elected Members (Section 11-102)

. . . the regular term of each elective trustee shall be four years; however, each trustee shall continue to function as a trustee after his term has expired until his successor shall have been elected and qualified. The General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees whose terms are then expiring. The term of office of an elective trustee shall commence on the first day of April of the year in which the trustee under this plan is scheduled to be elected.

Vacancies; Compensation (Section 22-103)

In case a vacancy should occur in the board, the Governor may fill it by appointment until the next session of the General Assembly. Each member of the board shall be reimbursed for his actual expenses in attending meetings of the board but shall receive no compensation otherwise for his services.

Board a Corporation; Powers (Section 22-104)

The board of trustees of the University of South Carolina is and is hereby constituted a body corporated and politic, in deed and in law under the name of the University of South Carolina. Such corporation has the following powers:

- (1) To have perpetual succession;
- (2) To sue and be sued by the corporate name;
- (3) To have a common seal and alter it at pleasure;

- (4) To make contracts and to have, to hold, to purchase and to lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are deemed by it as surplus property or not further needed and any buildings that it may need do away with for the making room for other construction; provided, however, the University shall not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the General Assembly;
- (5) To appoint a chairman of the board of trustees and to appoint a University president, treasurer and secretary, and in the appointment of these latter three to prescribe their duties and their terms of office and to fix their compensation;
- (6) To appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, and other employees prescribing the terms of their duties, and fixing their compensation;
- (7) To make by-laws and all rules and regulations deemed expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State of the United States;
- (8) To condemn land for corporate purposes as provided in Section 22-107;
- (9) To fix tuition fees and other charges for students attending the University, but these shall not be inconsistent with statutes where the legislature undertakes to fix such fees and charges, . . . ;
- (10) To confer degrees upon students and such other persons as in the opinion of the board of trustees may be qualified to them;
- (11) To accept, receive and hold all moneys or other properties, real and personal, that may be given, conveyed, bequeathed or devised to the University, and to use them for the benefit of the University; but in those cases where such money or property shall be held and used strictly in accordance with the terms of such trust; provided, however, where the terms of any such trust would require something to be done other than merely to administer the trust no obligation in receiving the trust over and above merely its administration shall be binding upon the University or the State except such as are accepted by the General Assembly;
- (12) To assign any member of the faculty to additional duties in any other University department than that in which the faculty member may at the time be working and without additional salary;
- (13) In all investigations touching the affairs of the University the board of trustees is invested with full powers to compel by subpoena, rule and attachment witnesses to appear and testify and papers to be produced and read before such board;
- (14) To adopt such measures and make such regulations as may in the discretion of the board of trustees be necessary for the proper operation of the University;
- (15) To appoint for the University a board of visitors of such number as the board of trustees may deem expedient and to regulate the terms during which the members of such board shall serve, and to prescribe the function of such board of visitors;

*Toni - here is your missing
link.*

Helen

- (16) To remove any officer, faculty member, agent or employee for incompetence, neglect of duty, violation of University regulations, or conduct unbecoming a person occupying such a position;
- (17) To appoint an executive committee not exceeding five members of the board who shall have all the powers of the board during the interim between meetings of the board but not the power to do anything which is inconsistent with the policy or action taken by it during the interim; and
- (18) To appoint committees of the board of trustees or officers or members of the faculty of the University, with such power and authority and for such purposes in connection with the operation of the University as the board of trustees may deem wise.

SPARTANBURG COUNTY COMMISSION FOR HIGHER EDUCATION

The South Carolina General Assembly created the Spartanburg County Commission for Higher Education in 1967 for the purpose of "the encouragement of higher education in Spartanburg County and adjacent areas and, more specifically, the establishment in Spartanburg County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable."

Composition (Section 1)

The Spartanburg County Commission for Higher Education is composed of ^{NINE} ~~seven~~ members appointed by the Governor on the recommendation of a majority of the Spartanburg County Legislative Delegation. The Executive Secretary of the Spartanburg County Board of Education shall be an ex officio member of the Commission.

Terms of Elected Members (Section 1)

The Commissions shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualified.

Powers and Duties (Section 4)

The Commission shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Spartanburg County and adjacent areas the educational facilities above-described; provided, that the County of Spartanburg shall not be bound nor held liable for any acts of omission or commission of the Commissioners, nor by any provision of any contract or agreement, expressed or implied, except upon written approval and consent of a majority of the members of the Spartanburg County Legislative Delegation.

The Commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

Educational Advisory Committee

The Commission is authorized to appoint from Spartanburg County, and from such adjacent areas as deemed appropriate, an Education Advisory Committee consisting of not less than ten nor more than fifteen members

which shall meet and consult with the Commission from time to time as may be required.

Compensation

All members of the Commission and of the Educational Advisory Committee shall serve without compensation or fees.

OFFICERS

President

The President of the University is the chief executive officer of the institution and, as such, he shall have full charge of the administrative activities of the University. He shall also serve as the official medium of communication between the Board of Trustees, on the one hand, and the University faculty, administrative officers, individual members of the staff, student organizations and students on the other. He is responsible to the Board for administering the educational and business policies of the institution, subject only to the laws of the state of South Carolina and the University rules and regulations prescribed by the Board of Trustees. The President is an ex officio member of the faculty and all committees.

The President has an Executive Assistant, confirmed by the Board who, in the present administration, functions as University Secretary and Secretary of the Board of Trustees. He may represent the President on such occasions as the President deems appropriate. Also assisting the President in directing the affairs of the University are the Provost and the Chancellors. *at the University of South Carolina, there are three Senior Vice Presidents (Academic Affairs, Administration, and Finance) who assist the President in the conduct of the University.*

The Chancellor for the University of South Carolina at Spartanburg is the chief administrative officer of this campus. He is responsible for the operation and development of the campus, the implementation of applicable University policies, and reports to the President.

Vice Chancellor

The Vice Chancellor for Academic Affairs is appointed by the Chancellor and confirmed by the Board of Trustees. He is responsible for curricula planning and development of the total educational program. He has overall responsibility for faculty, library, and other academic services. He recommends to the Chancellor personnel for appointments in these areas, and he represents the Chancellor at such times or places as may be appropriate. *probably coordinate of academic affairs, and placement.*

Associate Chancellors

Associate Chancellor for Administration is appointed by the Chancellor and confirmed by the Board of Trustees. He is responsible for all financial affairs including budget planning, purchasing, accounting, physical plant maintenance and security, personnel, and auxiliary enterprises.

Associate Chancellor for Student Affairs is appointed by the Chancellor and confirmed by the Board of Trustees. He is responsible for overall supervision of student services and student activities, *including intramural sports and other*

Associate Chancellor for University Relations is appointed by the Chancellor and confirmed by the Board of Trustees. He is responsible for establishing a campus-wide approach to the community by supervising efforts in development, fund raising, alumni activities, public information, and publications. *and sponsored programs.*

Deans of Schools

Deans of Schools are appointed by the Chancellor upon recommendation from the Vice Chancellor for Academic Affairs following the prescribed search procedure. Deans exercise direct supervision of the faculty and the academic programs in accordance with general instructions of the Vice Chancellor for Academic Affairs. The Deans nominate personnel to be appointed as full-time and part-time faculty by the Chancellor for the University of South Carolina at Spartanburg. They have the authority to initiate curricula changes, scheduling, and curricula evaluation for the respective school. The faculty of each school are to be consulted in significant matters concerning all questions related to personnel and curriculum.

FACULTY

Functions

The Board of Trustees is the governing body of the University and the powers of the President and the faculty are delegated by the Board in accordance with its policies. In all matters pertaining to the standards of admission, registration, requirements for and the granting of degrees earned in course, the curricula, instruction, research, extra-curricular activities, discipline of students, the educational policies and standards of the University, and all other matters pertaining to the conduct of faculty affairs, including the discipline of its own members, the faculty has legislative powers subject to the review of the Chancellor for the University of South Carolina at Spartanburg, the President and the Board of Trustees.

As such occasions arise, the faculty shall have the opportunity to consider the appointment of all principal academic officers and, through an appropriate committee, communicate its views thereon to the Chancellor for the University of South Carolina at Spartanburg. The faculty shall also be invited to communicate, through an appropriate committee, its views concerning the selection of the President of the University and the appropriate Chancellors.

Membership

The University faculty shall consist of the President, the Chancellor, the Vice Chancellor, the Associate Chancellors, and all deans, professors, associate professors, assistant professors, all full-time academic

instructors and full-time lecturers in baccalaureate and associate degree programs, visiting faculty members, emeriti professors, professional librarians, Director of Admissions, and such other persons as the faculty sees fit to elect.

Voting

The following members of the faculty shall have the right to present motions and to vote: the President, the Chancellor, the Vice Chancellor, the Associate Chancellors, academic deans, heads of academic divisions, professional librarians and professors, associate professors, and assistant professors, instructors, and any administrative official who has tenure as a faculty member. A regularly appointed faculty member may exercise his right to vote during absences from the University that are temporary in nature such as sabbaticals or leaves of absence.

Officers

The Faculty Secretary shall be the presiding officer of the faculty and the Faculty Senate and shall prepare and circulate the agenda for these meetings at least three days prior to the meeting date. The Faculty Secretary-Elect shall serve as presiding officer in the absence of the Faculty Secretary. The Recording Secretary shall record and distribute to the members of the faculty written minutes of general faculty and Faculty Senate meetings, and annually compile and publish a summary of faculty actions. The University Marshal shall be responsible for ceremonial programs of the University of South Carolina at Spartanburg. The Faculty Secretary, Faculty Secretary-Elect, the Recording Secretary and the University Marshal shall be elected by the faculty.

General Meetings

General faculty meetings will be held in September and April. The President or the Chancellor for the University of South Carolina at Spartanburg may call a special meeting of the faculty. A special meeting of the faculty may also be called by 25 percent of the voting members of the faculty who shall submit a written request to this effect to the Faculty Secretary. Upon receipt of this request, the Faculty Secretary shall set a date for a meeting to be held within seven days.

The faculty serves as a legislative body and hears reports from various committees of the University.

Conduct of Business

The faculty follows Robert's Rules of Order unless otherwise stipulated. The presiding officer annually appoints a parliamentarian. All elections are conducted by secret ballot. Voting is by voice or show of hands unless at least ten individuals present request a secret ballot.

An agenda is prepared prior to the general faculty meeting and Faculty Senate meeting by the Faculty Secretary. Faculty members may contribute to the agenda by submitting items to the Faculty Secretary three days prior to the meeting. This agenda may include (1) forthcoming elections to committees, when pertinent; (2) statements from the Chancellor for the University of South Carolina at Spartanburg on major policy; (3) reports of faculty and appointed committees; (4) old business; (5) new business, including matters raised from the floor.

Faculty Committees

The faculty shall establish such regular or special committees as it deems necessary. The members of such committees shall be elected by the faculty or appointed by the Chancellor for the University of South Carolina at Spartanburg for terms of three years, except as otherwise noted, in accordance with existing rules of the faculty. Every committee shall select its own chairperson and chairperson-elect, except as otherwise noted. All student members on regular faculty committees shall be voting members. There shall be no proxy in case of absence.

No member may succeed him/herself as a member of the same committee, except as otherwise noted. No faculty member may at any time serve on more than two regular faculty committees.

Each regular faculty committee shall meet at least four times a year. Each regular faculty committee is an agency of the faculty and shall make a written report containing a summary of its activities and actions to the faculty at the last faculty meeting of the academic year. These reports will become a part of the minutes.

Standing faculty committees shall be the following:

- Committee on Academic Affairs
- Committee on Student Financial Aid
- Committee on Student Affairs
- Committee on Admissions and Petitions
- Committee on the Library
- Committee on Cultural Affairs
- Publications Board
- Committee on Faculty Welfare
- Athletic Advisory Committee
- Committee on Facilities Utilization and Planning
- Committee on Promotion and Tenure
- Committee on Academic Forward Planning
- Committee on Lifelong Learning
- Faculty Advisory Committee.

A detailed description of the nature, purpose, and composition of these regular faculty committees may be found in the Faculty Handbook.

REGULATIONS AND POLICIES

Affirmative Action Policy Statement

The University of South Carolina, an equal opportunity employer, is committed to a policy of affirmative action in all personnel practices. Through this policy, it is the intent of the University to eliminate existing inequities and disparities; to achieve a fair distribution in all job categories in terms of race, color, religion, sex, age and national origin; and to apply all personnel actions including recruitment, hiring, promotion, training, compensation and benefits equally on the basis of appropriate qualifications.

The University of South Carolina will also take affirmative action to employ and advance in employment qualified veterans and handicapped, including, but not limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Nature of Policy Changes

From time to time, changes in the rights, privileges and benefits accorded faculty members must be made as conditions warrant. Changes providing additional rights, privileges and benefits shall apply to faculty members employed prior to the promulgation of such changes.

APPOINTMENTS TO THE FACULTY

Qualifications and Requirements

As a general policy, the qualifications for appointment and promotion are as set forth below. It should be pointed out that these requirements are not intended as justification for automatic promotion; conversely, justified exceptions may be made if warranted.

Professor. To be eligible for the rank of professor, a faculty member must have a record of outstanding performance normally involving both teaching and research, or creativity or performance in the arts, or recognized professional contributions. As a general guideline, the faculty member is expected to hold the earned doctor's degree and to have at least nine years of effective and relevant experience.

Associate Professor. To be eligible for the rank of associate professor, a faculty member must have a record of effective performance over a probationary period of time usually involving both teaching and research, or creativity or performance in the arts, or recognized professional contributions. He or she must possess strong potential for further development as a teacher and as a scholar. It is normally expected that he or she will hold the earned doctor's degree.

Assistant Professor. To be eligible for the rank of assistant professor, a faculty member must possess strong potential for development as a teacher and as a scholar. He or she will normally be expected to hold the earned doctor's degree or its equivalent.

Instructor. To be eligible for the rank of instructor a faculty member must normally hold the master's degree or bachelor's degree plus substantial additional graduate study--such as evidence of having fulfilled the requirements for admission to candidacy for the doctor's degree.

Appointment Procedures

When it has been established that a vacancy exists, it shall be the duty of the appropriate dean or division chairperson to identify candidates and assemble the necessary information for an appointment decision. All vacancies are advertised in accordance with affirmative action regulations.

Once a candidate has been selected from the applicant pool with consultation of the school or division faculty, approval to make an offer must be obtained from the Chancellor (and from the President in the case of full professor or dean). The following documents must be attached to the request for approval to make an offer:

1. Application for employment including vita and transcripts
2. Letters of recommendation

3. Equal opportunity data sheet
4. Copy of advertisement
5. Copy of proposed appointment letter

If approval for the offer is granted, the letter of appointment is forwarded to the applicant. Should the applicant reject the offer, all documents are retained for file by the appropriate dean or division chairperson.

Nepotism Policy

All appointments shall be made strictly on the basis of merit. No relative by blood or marriage of any administrative officer (dean, director, head, etc.) may be appointed to any position under the administrative officer's jurisdiction, unless the position in question could not be otherwise properly filled. Such an exception shall be made only on specific recommendation of the President and with the approval of the Board of Trustees.

TENURE AND PROMOTION PROCEDURES

The responsibility for the operation of tenure and promotion procedures shall rest with the Faculty Promotion and Tenure Committee. Final authority for recommending tenure or promotion to the University Board of Trustees shall reside with the President. Final authority for approving recommendations of tenure and promotion rests with the Board of Trustees.

Recommendations for promotion, or tenure, or both will be made to the administration by the Promotion and Tenure Committee, based on a review of Promotion and Tenure files of faculty members.

A faculty member will be considered for promotion, or tenure, or both provided that at least one of the following provisions is met:

1. The faculty member requests consideration. In this instance the Committee and the appropriate academic officials would respond without prejudice.
2. The faculty member's dean or equivalent academic officer recommends promotion, or tenure, or both.
3. The faculty member is in the penultimate year of his or her probationary service.

Each year, at least one month in advance of consideration of faculty members for promotion, or tenure, or both, the Committee will give written notice to all faculty members that if a faculty member wishes to be considered for promotion, or tenure, or both, he or she should so notify the Committee in writing and should prepare his or her tenure and promotion file. The Committee will also give written notice to deans or equivalent academic officers to submit within that period a list of faculty members in their respective divisions whom they wish to recommend for promotion, or tenure, or both. These recommendations must be accompanied by appropriate material to be placed in the individual files. A faculty member recommended by his or her dean will be notified in writing and informed of the pending meeting of the Committee, so that he or she may provide relevant matters for the file. The Committee will inform the Vice Chancellor for Academic Affairs of the date of the meeting and of those who will be considered for promotion, or tenure, or both, so that the Vice Chancellor may have the opportunity to place relevant material in the individuals' files.

A candidate's full vita and supporting file go forward administratively only when the Committee recommends tenure, or promotion, or both. A list of those persons considered but not recommended must be forwarded through the appropriate channels for the record. Failure to recommend favorably at a particular time is without prejudice with respect to future considerations.

The proceedings of the Faculty Promotion and Tenure Committee are confidential with respect to all written materials reviewed and all discussions of individual cases by the Committee. Failure to maintain confidentiality shall be sufficient grounds for removal from the Committee. The Committee has the authority to remove members for such reason. However, access of an individual to information in his or her file shall be allowed, except that the sources of information submitted in confidence shall be confidential to the extent provided by law.

When the Committee reviews files, each member shall vote "yes" or "no" or "abstain." A record of the votes is made in all instances and must be forwarded through appropriate channels. Votes may be accompanied by written rationale.

Positive recommendations from the Promotion and Tenure Committee, including the recording of votes, all written comments, and the files of those recommended are forwarded to the Vice Chancellor. He or she may endorse such recommendations in any way he or she desires, but he or she must forward all such recommendations, statements, and endorsements through the appropriate administrative channels to the President of the University.

Any person dissatisfied with a negative recommendation by the Promotion and Tenure Committee shall have, upon request to the Committee, his or her file sent through all appropriate channels for endorsement to the President for appropriate action.

No change shall be made in the tenure and promotion regulations except by vote of the full voting membership of the Faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactively if it is disadvantageous to the faculty member.

Promotion Criteria

The following factors will be considered for promotion decisions: (It is the responsibility of each faculty member to assure that his or her file is current with respect to evidence needed to support a promotion recommendation.)

1. Teaching effectiveness (as demonstrated by such evidence as letters of recommendation, student evaluations, and colleague evaluations).
2. Service to USC at Spartanburg:
 - a. Assigned University duties (such as committee work, assigned administrative tasks, and advisement).
 - b. Voluntary service (such as work with student organizations, community service, and forums).
3. Evidence of scholarly achievement (such as publications, lectures, and active participation in professional organizations).

As a minimum, a faculty member should have no serious deficiencies in teaching effectiveness and other assigned University duties.

The following guidelines normally apply:

To be eligible for the rank of professor, a faculty member must have a record of outstanding performance in teaching and in either scholarship or service to USC at Spartanburg. The faculty member is expected to hold the earned doctor's degree and to have a minimum of nine years of relevant experience.

To be eligible for the rank of associate professor, a faculty member must have a record of effective performance in teaching and in either scholarship or service to USC at Spartanburg. The faculty member is normally expected to hold the earned doctor's degree and to have a minimum of three years of relevant experience.

To be eligible for the rank of assistant professor, the faculty member must possess strong potential for academic development. He or she will normally be expected either to hold an earned doctor's degree or have substantial work beyond the master's degree with a minimum of five years relevant experience.

The normal educational requirements for each rank may be waived (a) in cases where a person has made extraordinary contributions in teaching or University service or (b) in disciplines where the earned doctorate is not commonly required for undergraduate teaching.

Tenure Regulations

The University of South Carolina at Spartanburg generally adheres to the standards of the American Association of University Professors regarding the rights, privileges, and benefits accorded faculty members. Where University policies differ from those standards, the regulations stated herein, or as subsequently modified by the University, shall apply.

To promote the welfare of the University, its policy in general shall be to provide, after a probationary period, tenure for its faculty members, except in the case of retirement for age, or under special or extraordinary circumstances, or because of financial exigencies, and/or curtailment or discontinuance of departments, schools, or colleges. To implement this principle, it is the intent of the University to follow these regulations:

1. New members of the faculty shall be informed at the time of appointment of the tenure regulations applicable on the effective date of appointment. Changes in tenure regulations shall not be applied retroactively if disadvantageous to the faculty member. A faculty member who acquires tenure shall be notified in writing at the time of acquirement.
2. The maximum probationary period for all full-time faculty members with the rank of associate professor or professor shall be satisfactory service at the rank for four years at the University of South Carolina. The maximum probationary period for all full-time faculty members with the rank of assistant professor shall be satisfactory service in that rank for six years at the University of South Carolina.

The maximum probationary period for all professional librarians shall be satisfactory service for four years at the University of South Carolina.

The maximum probationary period at any combination of ranks at assistant professor level or above is six years. A decision must be made as to the status of any tenure eligible faculty member no later than the end of the fifth year of continuous service with the University. If no action is taken by that time, the faculty member will automatically acquire tenure at the end of the sixth year.

2. a. Instructors are not eligible for tenure but the notice provisions of paragraph 3.a. below shall be applicable to full-time appointment at that rank, except in the case of an appointment made for a specific period of time.

2. b. Lecturers, armed forces personnel performing teaching assignments, and part-time faculty members are not eligible for tenure. Visiting and adjunct appointments are temporary in nature, and service under such appointments is not applicable to the acquirement of tenure. Part-time teaching appointments or teaching assignments of individuals otherwise employed by the University shall be regarded as temporary and service thereunder will not be applicable to the acquirement of tenure nor do the provisions of paragraph 3 apply.

The University may in the future wish to initiate a faculty rank which is entirely outside the tenure ladder. This would be a full-time term appointment and the fact that it is not tenurable will be made clear when the appointment is made.

3. a. If, during the first year of a probationary appointment, it is deemed in the best interest of the University not to renew the appointment at the end of the first year, notice of such non-renewal will be given in writing by March 1 (July 1 for a second semester appointment).

If, during the second year of a probationary appointment, it is deemed in the best interest of the University not to renew the appointment at the end of the second year, notice of such non-renewal will be given in writing by December 15 (April 15 for a second semester appointment).

Thereafter, notice in writing of the non-renewal of any appointment to which the provisions of this section apply will be given at least twelve months prior to the date of non-renewal.

3. b. If notice of non-renewal is not given in writing by the beginning of the fourth year of the maximum probationary period in the case of professors and associate professors, or by the beginning of the sixth year of the maximum probationary period in the case of assistant professors, the appointment of the faculty member shall thereafter be a continuous, or tenured, appointment. For the purposes of this paragraph, each year of a first semester appointment shall be taken to begin with the commencement of the scheduled fall term, and each year of a second semester appointment shall be taken to begin with the commencement of the scheduled spring term.
4. Deans, heads of departments, directors, or other persons assigned to special offices or duties shall not acquire tenure in such special offices or duties. Relief from such office or assignment shall not, per se, affect the teaching status and tenure of a person holding such office or assignment.
5. a. The University reserves the right to terminate a tenured faculty appointment for cause. This action can be taken only by the Chancellor for USCS in consultation with an ad hoc committee of the faculty appointed by the Chancellor. Cause shall mean one or more of the following:
 - (1) Failure, or mental, or physical incapacity to perform the duties required for the position.
 - (2) The loss of licensure in other professional area may be considered as a cause for termination.
 - (3) Bona fide reduction in staff.
 - (4) Curtailment or discontinuance of a department or school.

- (5) Gross misconduct detrimental to the image of the University.
5. b. Any faculty member whose appointment may be terminated for cause under the provision of this paragraph 3 shall be notified in writing, including a statement, made with reasonable particularity, of the grounds thereof, and also including a statement to the effect that he or she has a right to a hearing, with counsel, before the Executive Committee of the Board of Trustees, if a request in writing for such hearing is submitted to the President within fifteen days of the receipt of notification of termination. If the faculty member elects to request a hearing, the effective date of termination of his appointment shall not be in advance of the final decision of the Executive Committee although the President shall have the authority in the meantime to suspend the faculty member in question until the proceedings have been completed.
 5. c. The non-reappointment of faculty during the probationary period is a matter separate and distinct from the establishment of cause for termination of tenured faculty. Nothing in paragraphs 3.a. and 3.b. shall be applicable to faculty serving in a probationary period or faculty not eligible for tenure.
 6. Whenever the University is required to give notice of termination of an appointment under paragraph 3 hereof, it may at its option terminate the appointment immediately and either establish cause for such termination in the same manner as it is provided for in paragraph 3 hereof, or pay to the faculty member, in lieu of notice, the compensation which he would have earned as a faculty member in the notice period.
 7. The deadline for administrative action on promotion shall be March 15. The deadline for administrative action on tenure appointments shall be April 15.

TERMS OF EMPLOYMENT

In the absence of special arrangements, employment of the members of the faculty is for a period of nine months. In the event that employment is or subsequently becomes for one semester, either fall or spring, the salary shall be one-half of the nine-month stipend.

In addition, regular (full-time appointment not made for a specific period of time) members of the faculty may teach in one of two summer sessions for which they would receive 15% of the salary (if state funds provide) received during the previous academic year. Summer School teaching in the case of faculty hired after 1 September 1973 for September, 1974 may depend on the availability of funds and/or size of enrollment.

All members of the faculty shall be available from the fourth calendar day prior to the first day of registration and at least until after commencement.

A member of the University staff may be permitted to do professional work of an expert character outside the University and to receive pay therefrom when the work in question contributes to the professional development of the faculty member. No such outside work shall be undertaken except on the prior approval of the dean of the school, the Vice Chancellor, and the Chancellor for USCS. The University reserves the right to declare a conflict of interest at any time.

No member of the teaching staff shall receive compensation for tutoring students in any course for which he is empowered to grant the student credit, or over which he has any authority. This shall not be interpreted as prohibiting anyone from tutoring for remuneration in subjects over which he has no control.

Employment and compensation in excess of an employee's regular salary for temporary, part-time contractual, honorarial, or consultative service is considered dual employment and must be approved by the State Budget and Control Board.

State employees earning \$20,000 or more per year are required by state law to make an annual disclosure of economic interests. Statements are to be made on forms prescribed by the State Ethics Commission no later than April 15 of each calendar year.

Any faculty member who feels that action with regard to his salary is inadequate may request further consideration of his record by submitting such documentation as he believes is appropriate to the Chancellor. The Chancellor will then forward these data to the President for consideration.

TEACHING RESPONSIBILITY

The teaching responsibilities of the instructional staff are among those areas of University life which have for generations been a part of the unwritten code of scholars. Now, however, along with other formerly unwritten contracts, it seems appropriate to set forth these responsibilities in a formal statement of policy. The provisions of such a policy statement are so reasonable to learned and humane individuals that it may appear redundant to state them. However, the University conceives them to be so important that the performance of the instructional staff in meeting the provisions of this code shall be taken into consideration in determining salary increases, tenure and promotion.

Statement of Policy

1. Instructional staff members are responsible for stating clearly the objectives of each course they teach at the beginning of each term. It is expected that each instructional staff member will direct his or her instruction toward the fulfillment of these objectives. Instructional staff members are responsible for orienting the content of the courses they are assigned to teach to the course descriptions published in the University catalog.
2. Instructional staff members are responsible for informing students in their classes of the methods to be employed in determining the final course grade and of any special requirements of attendance which differ from the attendance policy of the University. At the request of the student, a faculty member should make available information and/or an evaluation of the student's progress prior to the free drop date.
3. It is expected that graded examinations and papers will be provided to the student for inspection and discussion. Thus final examinations will be retained for one semester to provide the opportunity for review with the instructor, if the student so desires. It is expected that examinations will be graded within sufficient time to make the examination a part of the student's learning experience.
4. All instructional staff members are expected to meet their classes regularly and at scheduled times. In case of illness or any other emergency, the instructor will notify the dean or division chairperson so that appropriate action may be taken.

5. All instructional staff members whose responsibilities involve students are expected to schedule a reasonable number of office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of prearranged appointments for students where there is a schedule conflict. The number of office hours is to be determined at the appropriate administrative level, and office hours should be a matter of common knowledge.
6. Instructional staff members who are responsible for academic advising are expected to be in their offices at specified hours during registration and during the succeeding school year.
7. Students who feel the above policy and procedures have been violated to their personal detriment shall consult the Academic Affairs Committee.

NORMAL WORK SCHEDULE

The work schedules of full-time faculty are necessarily flexible but, as a guide, the normal teaching assignment will be twelve hours or its equivalent. Teaching assignments will, of course, be affected by the number of students in the class, the level of the course, research, and other factors.

All absences shall be incorporated into the dean's monthly report to the Vice Chancellor. The Vice Chancellor should be notified by memorandum of any sick leave taken by a faculty member that is in excess of five consecutive days. Deans will notify the Vice Chancellor if they expect to be absent from the campus. In the event of any absence for unusual amounts of time, either on the part of a dean, division chairperson or faculty member, the Vice Chancellor should notify the Chancellor for the University of South Carolina at Spartanburg.

LEAVE

Annual Leave

Members of the academic staff on a twelve months appointment accumulate vacation allowance at the rate of one and one-quarter calendar days per month of continuous service. After ten years of service, they shall earn an additional one and one-quarter working days annual leave for each year of continuous service not to exceed thirty days. Annual leave does not accrue during periods of leave without pay or during terminal leave. Any vacation time taken during the year, except the regular University-wide holidays, counts against this time.

Faculty members working on grants or contracts and earning annual leave may be required to use all accumulated annual leave prior to the ending of the grant or contract.

Faculty members employed on less than a twelve months basis do not accrue annual leave.

Sick Leave

It will be the policy of the University of South Carolina to grant to all faculty members sick leave with pay to be earned at the rate of 1-1/4 days per month of active employment. Sick leave may be accumulated, but

shall not exceed 90 days. Department heads are authorized to grant additional sick leave in extenuating circumstances upon the approval of the President of the University. All part-time faculty members shall be entitled to sick leave prorated on a basis of 15 days per year subject to the maximum accumulation specified herein. Any faculty member who has accumulated sick leave in excess of 90 days pursuant to the then existing policy of the University shall not lose such excess but may not accumulate sick leave in excess of ninety days after the effective date of this act (January 1, 1969).

If a faculty member has retired from the University because of illness and subsequently wishes to return, he or she will be reinstated if eligible for employment at that time.

This policy shall apply to each additional absence from work due to personal injury or sickness, except that there shall be deducted from the number of additional payments to be made the number of additional payments which he or she shall have received on account of previous absences hereunder. Medical proof of disability in each case may be required at the discretion of the University administration. Irrespective of any other provisions, sick leave shall not be used for a vacation.

A staff member sustaining an employment injury or disease shall have the option to take sick leave to the extent of his accumulated total, irrespective of whether or not the disabling condition is compensable under the Workmen's Compensation Act. If in such cases sick leave is granted, and if compensation is awarded to the staff member by the Industrial Commission for salary lost during such sick leave period, the University shall be reimbursed in the amount of compensation payable to him/her by the Industrial Commission for days of absence for which he or she was also paid by the University, and sick leave credit shall be restored in proportion to the amount of reimbursement to the University.

Employees who will be using sick leave for some foreseeable reason, e.g., elective surgery, maternity, shall give two months notice, if at all possible.

Sick leave shall accrue for a staff member on leave with pay status; however, sick leave shall not accrue to a staff member on leave without pay or on terminal leave.

On termination of services for any reason, any accumulated unused sick leave shall be forfeited.

Terminal Leave

Faculty and staff members can be paid for a maximum of 45 days of terminal leave unless transferring to another state agency. If transferring to another South Carolina state agency, the accumulated unused annual and sick leave shall be transferred to that agency.

Court Leave

A University employee required to attend court as a witness representing the University or as a juror shall be granted leave with pay. When one is subpoenaed in litigation as an individual and not in official capacity, the time taken from work shall be charged as annual leave, or leave without pay, or leave with pay, whichever is appropriate, as determined by the Vice Chancellor for Academic Affairs.

Military Leave

Fifteen calendar days leave with pay may be granted in any calendar year to regular employees who are members of a reserve component of the Armed Forces or of the National Guard. Such duty or training should be arranged so as to be of least interference with regular duties. Whenever possible, summer training and participation in the summer session of the University should be scheduled in separate terms.

An employee called into military service shall be entitled to reinstatement as provided by law. Normally he or she is entitled to leave without pay and, if the State Retirement Board so approves, the member may continue to make contributions to the South Carolina Retirement System through the University. The faculty member may return to active employment in a comparable position to that held at the time such leave was granted provided:

1. Separation from service was under honorable conditions.
2. Physical and mental capacities remain qualified for the position.
3. Application for re-employment is made within 60 days after release from service.

Leave Without Pay

Leave of absence without pay may be granted for good cause on the recommendation of the appropriate division chairperson, dean, the Chancellor for the University of South Carolina at Spartanburg, and the President, under circumstances wherein the best interest of the University shall be served. If on a semester basis, pay shall be equalized for each semester. Such leave is granted for a maximum continuous period of one year, unless special disposition is granted by the President because of highly unusual circumstances. After the period for which leave is granted, unless further action is taken, the appointment is terminated. The authorization of leave without pay is a matter of administrative discretion and may be considered in the following cases:

1. Absence due to service in the Armed Forces.
2. Extended absence in the interest of the University of South Carolina, such as advanced academic training, research or other experiences which lead to increased competence and promote the interest of the University as well as the staff member.
3. Necessary absences due to illness, maternity, or other personal reasons when such absences extend beyond available annual leave and/or sick leave with pay.

Annual leave and sick leave do not accrue during periods of leave without pay but accumulated totals are not forfeited. If the State Retirement Board approves, the member may continue to make contributions to the South Carolina Retirement System through the University while on extended leave without pay.

Leave without pay does not affect tenure; however, a period of time during which a faculty member is on leave without pay may not be counted toward the acquirement of tenure.

The Pre-Retirement Death Benefit Program is extended to persons on leave of absence who participate in the retirement program while on leave. If interested, request the Personnel Office to obtain permission from the State Retirement System. If they grant authority to contribute to the retirement system while on leave, one would receive not only credit under

the Retirement System for that year of service, but would also be covered by this death benefit, which would be based on one's previous basic salary.

Having received permission from the South Carolina Retirement System to make the regular contributions, one should contact the University Payroll Office to set up the deductions or payments that he or she should make.

If a faculty member wishes to continue his insurance coverage while on leave it will be necessary for him to pay premiums to the Payroll Office. By paying the premiums he can continue his coverages for one year. If the faculty member does not continue these payments, the insurance will be dropped; and when he or she returns to the University payroll, it will be necessary for him or her to send health statements to the insurance companies for approval.

Sabbatical Leave

Philosophy

Sabbatical leaves are intended to allow full-time faculty members relief from normal duties in order to pursue significant projects designed to improve their capabilities as scholars and teachers and hence to increase their future contribution to the mission of USCS. Sabbatical leave is designed to permit a faculty member to achieve educational goals which could be reached only over an extended period of time if pursued under the demands of regular University duties. Consequently, recipients of sabbatical leave are to be separated from all University duties during the duration of the leave.

Requirements

To be considered for sabbatical leave, a faculty member must be a tenured associate professor or professor and must be eligible to serve for a reasonable period following completion of leave, under no circumstances less than one year. A faculty member (described above) must have six or more years full-time service.

Procedure

A faculty member requesting sabbatical leave must demonstrate, by means of a written proposal submitted through the appropriate dean or the Vice Chancellor for Academic Affairs, how his or her planned activities will serve the purposes for which it is intended. All proposals must be submitted by February 1. Awards are based on seniority and merit. A written report should be submitted to the Vice Chancellor for Academic Affairs within two months upon returning to the institution. A sabbatical leave provides one-half pay for a full academic year, or full pay for one-half of an academic year. The granting of sabbatical leaves of absence is dependent upon budget limitations, workloads and other considerations. Therefore, it is a matter of administration discretion.

Other Information

The Pre-Retirement Death Benefit Program, through the South Carolina State Retirement System, is extended to persons on sabbatical leave. A faculty member on leave for one semester at a full salary will have retirement deductions made on the amount paid him by the University. A faculty member on sabbatical leave for the academic year at half-salary will receive credit for a partial year of service under the Retirement System and is covered for a partial year's salary under the death benefit program. A faculty member is eligible also to contribute to the Retirement System on the full amount of his salary. In this event, the faculty member would receive credit for a full year's salary under the death

benefit. If a faculty member selects this alternative, he or she should request that the Personnel Office obtain permission from the State Retirement System.

While on sabbatical leave, insurance coverages will be continued automatically.

POLITICAL ACTIVITY

Full-time employment with the University of South Carolina at Spartanburg is a time-consuming responsibility. The University, therefore, does not encourage outside employment for compensation, political or non-political, which does not effectively contribute to professional advancement and correlate with University work.

However, as responsible and interested citizens in their communities, faculty and staff members of the University should fulfill their civic responsibilities and should engage in the normal political processes of our society. With the consent of the President and the approval of the Board of Trustees, any faculty or staff member may seek election to hold public office providing such action shall not interfere with his normal duties. The candidacy must be approved in advance and prior to announcement for public office following the confirmation that there is no conflict of interest between this activity and the responsibility of the individual to the University and the State of South Carolina.

If it is determined that such candidacy and/or election is in basic conflict with the faculty or staff member's normal duties, the President may ask the employee to obtain a leave of absence without pay or to resign before announcing for the office.

It is understood that in general, because of their responsibilities to the institution, full-time faculty will not engage in statewide campaigns nor manage statewide campaigns nor seek political positions which pay compensation.

Distinguished Professor and Emeritus Titles

The title of Distinguished Professor shall be awarded to members of the University faculty in their final year of service at Carolina who have both earned the rank of full professor and have served the University for a total of twenty-five years or more. Upon retirement, this title will change to that of Distinguished Professor Emeritus.

The title of "Emeritus" shall normally be conferred in the last rank held by any regular member of the instructional staff at the time of his or her retirement from the University provided that:

1. The faculty member has reached age 55.
2. The faculty member has served the University of South Carolina a minimum of twelve years.

A citation shall be presented to each Emeritus recipient at the spring commencement and every effort shall be made to provide office space, parking privileges and the like.

PERSONNEL ADMINISTRATION

Responsibility for academic personnel on the Spartanburg campus is delegated to the Chancellor for the University of South Carolina at Spartanburg. The Associate Chancellor for Administration is responsible for maintaining employee records for all University employees, including

academic personnel, and for supplying benefit information to all employees. For matters of policy, academic personnel deal with the office of the Chancellor for the University of South Carolina at Spartanburg. For information on their employment records or on benefits such as retirement or workmen's compensation, they deal with the office of the Associate Chancellor for Administration.

REGULATIONS ON EXAMINATIONS

Attention is directed to the fact that final examinations each semester are given in accordance with a scheduled published well in advance of the examination period. No deviation from this printed schedule is permitted unless specific prior approval has been secured from the Vice Chancellor for Academic Affairs, and all such deviations shall be reported to the Director for Admissions and Records.

This provision applies to all examinations including laboratory examinations and examinations in courses meeting once a week. It is recognized that this provision will cause occasional conflict (i.e., a student who has laboratories or once a week classes in two different courses at the same hour on Monday and Wednesday or Tuesday and Thursday). Such cases clearly require special handling and possible examinations at other than the scheduled time. These should be conducted with the prior approval of the Vice Chancellor, and in no case should they occur outside of the total examination period.

In any course or laboratory which meets two or three times a week, no quiz, test, or examination shall be given during the last two class sessions prior to the regular examination period. In any course or laboratory which meets once a week, no quiz, test or examination shall be given during the last class session prior to the regular examination period. In any course or laboratory which meets more than three times a week, no quiz, test, or examination shall be given during the last three class sessions prior to the regular examination period.

Make-up exams (i.e., exams which students missed during the term and which they are taking because they were absent) are to be treated like any other exams under this regulation. Make-up exams also should not be scheduled during the days of final examinations.

GRADING SYSTEM

For a detailed discussion of the current grading system, consult the latest edition of the USCS Bulletin.

GRADE REPORTS AND CHANGES OF GRADES

All grades shall be due in the office of the Director for Admissions and Records as requested by that office. The Director for Admissions is responsible for delivery of the grades to the Office of Administrative Services on the Columbia campus for processing by data processing equipment, and therefore it is essential that faculty members report all grades as requested. Final grades for graduating seniors must be handed in one week before graduation, and this contingency may call for an earlier examination.

Under no circumstances shall a student listed on the grade sheet not be given a grade. Any student not given a grade consciously or inadvertently by his instructor will receive an automatic NR. NR's will be changed to a grade of S after one semester if no other grade can be obtained from the instructor by the appropriate dean or division chairperson.

Faculty members are requested to post grades using the form provided for this purpose.

Once grades have been reported, any change of grades must be approved as hereinafter provided. In case of error in reporting of final grades, the instructor shall complete the form provided and send it to the Director for Admissions and Records who shall place the issue before the Chairperson of the Academic Affairs Committee. When a grade change must be provided prior to the next meeting of the Faculty Senate, the Academic Affairs Committee shall exercise final authority and shall report its decision at the next meeting of the Faculty Senate.

If a student wishes to challenge his or her grade, it must be done before the end of the following semester. Special makeup work or examinations to change grades already recorded are not permitted.

BOOKS FOR CLASSES

Each school or division will select an individual to act as textbook coordinator for book orders within that discipline. Textbook coordinators will provide their dean or division chairperson with all necessary textbook requirements for approval. This list for textbook requirements will be due in the dean's or division chairperson's office on approximately April 10 for the fall semester, October 10 for spring semester and March 10 for all summer sessions.

RESEARCH

While the mission of the University of South Carolina at Spartanburg is primarily undergraduate instruction, faculty members are encouraged to do research, as time and facilities permit, in order to maintain a proper knowledge of their respective disciplines.

Attention is called to the possibility of financial support by means of grants and contracts. The Director for Development and Sponsored Projects continuously monitors information from federal agencies and other sources and will assist any faculty member wishing to prepare a proposal.

GRANTS ADMINISTRATION

Each research, training or special project which is sponsored, is assigned a named individual of the faculty or staff who is designated principal investigator or project director. Normally, this is the member who conceived and proposed the activity resulting in a grant or contract. He or she may not be changed without the approval of the sponsor. The principal investigator or project director is responsible for administration of all direct funds allocated to the project and compliance with the terms and conditions of the grant or contract. The Director for Development and Sponsored Projects will assist the principal investigator in resolving any procedural or administrative questions.

CONFLICTS OF INTEREST

The University has adopted the principles of the December 1964 joint statement of the ACE-AAUP entitled ON PREVENTING CONFLICTS OF INTEREST IN GOVERNMENT-SPONSORED RESEARCH AT UNIVERSITIES. The Office of Research will be notified of all outside consulting and research activities

performed by faculty or staff emmbers who are participating in government sponsored research or receiving federal grants. Should any conflict of interest be indicated, the individual concerned will be contacted in order to clarify and/or rectify the situation. The Office of Research will be available for advice and assistance with regard to consulting agreements or potential conflicts of interest.

UNIVERSITY FUNDS

Fund for the Promotion of Research. The Fund for the Promotion of Research has been established to support the University in its research activities. All income received by the University from patent activities covered by this policy will be deposited in a University account to the credit of this Fund. The Vice President for Research will administer the Fund, and will report not less than annually to the faculty on the activities supported by the Fund.

Instructional Development Fund. A limited amount of money is available to support research and/or professional development activities by faculty. A faculty development committee annually reviews proposals for research/professional development funds. Such proposals should be submitted to the Vice Chancellor for Academic Affairs.

CONSULTANT ACTIVITY

For the basic policy on employment outside the University, see the preceding section on "Terms of Employment."

Laboratories, equipment and other facilities of the University generally are not available to University employees for consulting work. Patent and copying rights for approved consultant activities are matters to be decided between the faculty member and the outside agency. If, however, University facilities are used, an interest of the University is thereby established, and agreement as to patent and/or copyright matters should be resolved before undertaking the project. Conversely, when the University hires a consultant, specific prior arrangements should be made in the consultative agreement for protection of the University's rights. The Patent and Copyright Committee should be consulted for assistance in resolving these questions.

In cases where a University employee is hiring a consultant to be paid from a University grant or contract, such consulting is subject to the funding agency's regulations imposed within the grant or contract document. Further, if the consultant to be hired is another University employee, remuneration for such activities is governed by the University's policies on extra compensation and the State's policy on dual employment.

BENEFITS AND PRIVILEGES

Insurance

The University of South Carolina at Spartanburg in conjunction with the State of South Carolina has a comprehensive program of insurance and annuity plans for members of the faculty, the staff and their dependents. The various plans consist of life insurance, health insurance and annuity benefits made available to assist in meeting financial security needs.

Disability Income Insurance

The Pilot Life Insurance Company underwrites the University's long-term disability income plan. In case a faculty member becomes totally disabled, the University would continue his or her salary for a limited period of time in accordance with the sick leave policy. The Pilot Life plan would then provide an income starting the first day after the "elimination period" selected and continue as long as he or she was disabled--up to a lifetime in the event of an accident, and for the period he/she has selected (2 or 5 years) in the event of sickness. The "elimination period" is like a deductible stated in days, i.e., it is a period of time after disability commences during which benefits are not payable. The longer the elimination period he/she selected, the lower would be the premium. Several alternatives (from 30 to 180 days) are available, and many employees choose one to correspond at least roughly to their accumulated sick leave. The amount of the Pilot Life benefit received depends on the amount purchased by the faculty member; however, the maximum amount for which one may apply is determined by one's salary. The coverage applies on or off the job, 24 hours a day, and the benefits receive favorable tax treatment, liberal health standards are applied and some coverage is available even if one has known health problems or is otherwise uninsurable.

Life Insurance

The Group Life Plan is underwritten by the Metropolitan Life Insurance Company. It provides group term life insurance on the eligible employee's life in an amount which depends on his/her age and salary classification (maximum of \$50,000), plus accidental death and dismemberment benefits. Smaller amounts of life insurance may be purchased on the lives of eligible dependents. Subject to certain conditions, the faculty or staff member's insurance is convertible to an individual plan upon terminating employment with the University of South Carolina at Spartanburg and it continues automatically in the event of total disability. Under a unique feature of the plan, dividends are used to purchase paid-up additions of whole life insurance for plan participants.

Liability Coverage

All employees of the University are covered by a blanket Liability Insurance Policy in the amount of \$300,000.00. Please note that this only covers employees, not other family members.

Tax Sheltered (i.e., Tax-Deferred) Annuities

The University will make payroll deductions for tax-sheltered annuities but cannot contribute to their cost. By action of the Board of Trustees, a faculty member may elect to take a reduction in salary or to forego an increase in salary and request that the University contribute this amount toward the purchase of an annuity contract. Any amount so contributed, subject to legal limitations and interpretations, is not taxed currently for state and federal income tax purposes. That is, the tax collection is postponed until retirement. This arrangement is generally referred to as a "Tax Sheltered Annuity" and, as such, is subject to interpretation by the District Collector, Internal Revenue Service.

Costs

The costs of the above benefits are borne by participating employees, the University, the University of South Carolina Educational Foundation, and the State of South Carolina. By statute, the University cannot participate directly in the financing of employees' insurance programs; however, the University pays all expenses of administering the entire program. The Educational Foundation pays approximately 25 percent of the costs of the Metropolitan group life plan and the Pilot disability income plan. The State of South Carolina pays the costs of the employees' coverage in the new State plan, while the costs to employees who enroll their dependents are determined by the classification into which those dependents fall.

USC CREDIT UNION (USC FEDERAL CREDIT UNION)

For the benefit of members of the faculty, the University of South Carolina has established a credit union to provide a savings and loan system. Dividends are paid yearly on savings. Life insurance is provided on loans for those eligible. More information can be obtained from the Credit Union Office, USC Federal Credit Union, Accounting Annex, Columbia, SC 29208 (phone 777-5186).

RETIREMENT

This section is subject to interpretation by the South Carolina Retirement System and to changes which may be enacted by the General Assembly.

All regular non-student employees of the University, part-time and full-time, are members of the South Carolina Retirement System.

Under the provisions of the State Retirement Act, each employee contributes to State retirement four percent of his gross earnings by deductions from each pay check on earnings which total \$4,800 or less in any calendar year. The rate of employee contributions on gross earnings in excess of \$4,800 per year is six percent.

The State of South Carolina guarantees a formula return at retirement based on average salary and years employed. Details are available in a booklet that may be obtained at the Business Office or at the office of the South Carolina retirement system.

Any member may retire and apply for benefits upon attaining age 60, or upon completing 30 years of creditable service.

Any member who leaves State employment prior to retirement may withdraw the sum of contribution plus the accumulated regular interest thereon. However, an employee who completes 15 years of creditable service prior to age 60 may leave his contribution with the system and qualify for a deferred retirement annuity when he or she attains age 60.

Any member who becomes permanently disabled after completing five years of creditable service may apply for disability retirement benefits.

The Pre-Retirement Death Benefit Program, at the death of a contributing member who has completed at least one full year of membership under the State retirement, shall pay to his/her beneficiary a death benefit equal to the annual earnable compensation of the member at the time of his or her death.

S.C. Retirement System as Applied to Academic Personnel

Administrative Officers. It shall be the policy of the University for administrative academic officers to retire from active administrative duties at the University at the end of the fiscal year in which they reach the age of 65 years. By definition, any faculty member holding an appointive position requiring administrative duties, such as dean or division chairperson, is an administrative academic officer. It is further the policy of the University to permit such an officer to continue in service after he or she reaches 65 years of age on an annual appointment basis, provided that for each additional year the staff member shall request continuance and such continuance for each year shall have the recommendation of the Chancellor for the University of South Carolina at Spartanburg and the President and the approval of the Board of Trustees. Such additional annual employment shall in no event extend beyond the time such employee reaches the age of 70 years.

Teaching Faculty. It shall be the policy of the University for the teaching faculty member to retire from active employment at the University at the end of the fiscal year in which he/she reaches the age of 65 years. In exceptional cases, however, with the request and recommendation of the dean or division chairperson, and the approval of the Chancellor for the University of South Carolina at Spartanburg, and the State Budget and Control Board, he or she may be continued in service for a period of one year following each such approval until such employee has reached the end of the fiscal year in which he/she becomes 72 years of age.

The policy set forth herein shall be automatic and no employee shall be continued beyond this time of retirement as herein specified unless he/she has been notified of the intention of the University to continue his/her service at least three months prior to such time. The head of the employee's department, division, or school must request and recommend the continuation of his/her services at least seven months prior to the time for the employee's retirement.

SOCIAL SECURITY

All University employees are covered by Social Security. Under this program, payments are deducted from the employee's paycheck and the University, as employer, matches each contribution. Further details can be obtained from the Business Office.

WORKMEN'S COMPENSATION

Any employee has certain benefits, under the South Carolina Workmen's Compensation Act, if he/she sustains an accidental injury or contracts an occupational disease while performing his official duties as a University employee. In case of an accident an employee should:

1. Receive prompt medical care.
2. Notify his/her division chairperson or dean as soon as practicable after an accident.
3. The division chairperson or dean should prepare, without delay, a complete report on appropriate forms obtained from, and returned to, the Business Office, which processes all papers.

In cases in which the disabled employee is covered by Workmen's Compensation, he/she may receive sick leave with pay to the extent that such leave has accumulated, provided the employee shall reimburse the University all amounts received by him as Workmen's Compensation insurance while he/she was on leave with pay. After all accumulated sick leave has been used, the employee shall be entitled to Workmen's Compensation only.

SOUTH CAROLINA STATE EMPLOYEE'S ASSOCIATION

As employees of the University of South Carolina and of the State of South Carolina, full-time faculty and staff members are eligible for membership in the South Carolina State Employee's Association.

The Association is governed by officers and directors elected annually from the membership. The University has two directors on the board. Complete information about the Association, its insurance plan, the Credit Union, and the names of merchants who extend discounts to members can be obtained from the Business Office.

APPENDIX: COPYRIGHT AND PATENT POLICY

Purpose and scope

Patents. Although the search for commercially exploitable inventions is not a specific function of the University, a discovery leading to a patentable invention may be a by-product of creative endeavor undertaken for other purposes. When such a discovery is made, it is the desire of the University to assist the inventor in evaluating, patenting, and exploiting his idea. The purpose of this policy is to delineate procedures to encourage inventors to report discoveries with patent potential, and to assist them while safeguarding the interests of all concerned parties. It pertains to members of the faculty and staff and to students.

It is the explicit intent of this policy to exclude any University claim to a discovery resulting from endeavor not supported by the University or endeavor to which the University's contribution is negligible. To safeguard against any future dispute as to University support, each discovery will be submitted for review in accordance with these procedures. A written opinion of the University will be provided the inventor to include, when appropriate, release of any University claim to the discovery.

Nothing herein will conflict with any agreement executed by the University with an outside agency. Outside sponsorship, particularly by Federal agencies, usually involves agreement on patent matters, and each principal investigator will ensure that he/she and his/her fellow investigators understand such agreement. The Office of Research will endeavor to obtain patent agreements with terms as favorable as possible for University personnel, and will insure that the inventor understands the final agreement.

Copyrights. The University places special emphasis on assistance to faculty for the development of instructional materials and other literary materials. The application of new technology to instruction and the creation of literary works often requires expensive and complex equipment which cannot be owned or operated economically by individual faculty members or by regular departments on campus. In these cases the University often steps in and provides the necessary resources (or contracts for these resources). In addition, the development and production of educational or instructional materials, media materials, and literary or other materials often requires specialized skills. Because data about the learning process, teaching modes and new concepts in education are increasing very rapidly, it is difficult for faculty to remain abreast of such developments without assistance. Therefore, many faculty utilize University consulting specialists and other types of support to bring themselves up to date. New instructional materials and other literary creations, consequently, may reflect a collaborative effort involving faculty members and other individuals or units on campus.

The policy governs the ownership, use, distribution and rights to income produced by these and other University-Commissioned materials but specifically does not apply to materials or resources which are not University-commissioned (as defined in a later section of this policy statement). This policy applies to educational, literary and media materials (regardless of medium utilized) provided the copyrightable material meets the University-Commissioned test.

Administration

Committee. The University Patent and Copyright Committee (hereafter called the Committee) consists of nine members, six of whom will be selected by the USC Columbia faculty (three per year for two-year terms). Committee members should be chosen so that disciplines primarily concerned with patent matters and disciplines primarily concerned with copyright matters are both represented. The Committee will select its own chairperson. At any time the chairperson may call upon any member of the University to appear before the Committee to augment its expertise.

The Committee will consider individual cases prescribed herein, and be the patent and copyright advisory body within the University. It will report to the Vice President for Research.

Review Procedures. Any faculty, staff member or any member of the student body who believes he/she has a patentable invention (idea, concept, method, material or process) or a University-commissioned copyrightable work shall bring it to the attention of the Committee through its chairperson. Within thirty days after receiving such notification, the Committee will convene to consider the discovery or work. Within thirty days following the initial meeting, the Committee will make a determination of disposition of the case within the options of this policy and report its findings and recommendations to the Vice President for Research. The Committee, if it deems appropriate, may recommend changes in the equities set forth herein.

The Committee will also take reasonable steps to insure that any joint inventors or authors (including students) are identifiable and will recommend distribution of income among the inventors or authors. [Author(s) is used to designate the person(s) responsible for producing a copyrightable work.] The Committee's findings and recommendations will be in writing with a copy furnished the inventor(s) or author(s).

The Vice President for Research will promptly notify the inventor(s) or author(s) in writing of the decision of the University, courses of action open to the inventor or author and the equity in any income resulting from his/her discovery or work.

Appeal. Upon receipt of official notification from the Vice President for Research, the inventor may submit a written appeal to the President which will include the specific points to which objection is raised. The decision of the President will be final.

PATENT POLICY

Documenting a Discovery. When an individual believes he or she has conceived an invention he/she should prepare a written and dated memorandum (disclosure statement) describing the invention (which serves as one proof of the date of conception). This memorandum, however, should be only supplementary to the careful keeping of regular laboratory notebooks. Included as a part of the memorandum should be drawings, sketches, and other pertinent data to illustrate the principle of operation of the invention and its performance. The inventor should date and sign each page of his/her notebook and memoranda, including all sketches and data sheets. Two witnesses, thoroughly capable of understanding the invention, and who are not joint inventors or nor interested in it, should also date and sign each page. Since priority of filing a patent application is often a decisive factor in awarding a patent, it is important

that the notebook be kept current and the disclosure document be prepared as soon as possible, since these records can be relied upon as corroboration of dates of conception and reduction to practice.

The law provides that the inventor is not entitled to a patent if his/her invention had been described in a printed publication anywhere in the world more than a year before his/her patent application is filed. Since extensive developmental work is often required before a patent application can be filed, an inventor should consider the desirability of delaying publication for a reasonable period of time.

The disclosure memorandum should be submitted to the chairperson of the Committee for review in accordance with the above described procedures.

Invention categories. The Committee will determine that the discovery belongs to one of the following categories:

Category 1: The discovery resulted from endeavor to which the University did not contribute or contributed insignificantly. In these cases the University relinquishes any equity and the inventor is at liberty to dispose of his/her discovery as he/she sees fit. The inventor may elect to submit his/her discovery through the University to a patent development organization with which the University has entered into agreement.

A determination that a discovery belongs to Category 1 would indicate the inventor did not receive financial support from University resources other than normal salary and related benefits, did not use time during which he was released from normal duties, had no assistance from other faculty members, staff, or students unless clearly shown to be on their own time, and made no use of University facilities, supplies, or equipment. Further, it would indicate that the inventor's association was not a major factor in obtaining non-University support. A Category 1 discovery could also result from University support which is judged by the Committee to be insignificant.

Category 2: The discovery resulted from endeavor supported by non-University agencies but with University sponsorship. In most cases a degree of University support will be evident, although in some instances association with the University as a factor in obtaining outside support may be the only University contribution. In cases in this category, the University reserves the right to patent and exploit the discovery, subject to such limitations as may be imposed by prior agreement with the external sponsor.

Category 3: The discovery resulted from endeavor supported by the University. In these cases the University reserves the right to patent and exploit the discovery.

Developing Marketable Discoveries. In each case where the University supported the endeavor (Category 3) or shared support with an agency which has relinquished any claim (Category 2) the University reserves the right to assume full title to the discovery and to obtain a patent and to exploit the invention. Usually it will not be to the best interest of the University to assume this responsibility, weighing the complexity and cost involved against probable returns.

In the event the University declines to assume the responsibility for development, the inventor will have the option of proceeding on his/her own or using the services of a patent development organization with which

the University has entered into agreement. The decision by the inventor to proceed on his/her own will release the University from any further responsibility, but for its contribution to the discovery the University will receive a share of any income realized from commercial exploitation.

Patent Development Organizations. The University has entered into formal agreements with The Batelle Development Corporation (BDC) and Research Corporation. Under each agreement the University may submit for evaluation such discoveries as it wishes. If the evaluation is favorable BDC will provide the further development necessary to bring the invention to a point where it may be advantageously licensed. Research Corporation does not develop discoveries, nor does it provide funds to others for such development but rather relies on licensing established industrial concerns to do this at their own expense. Both organizations will accept title to the invention and proceed to obtain patents and to negotiate licenses. Any resulting income is divided among the organization, the University and the inventor.

Normally, the inventor will recommend the organization to use in developing his/her discovery. The agreements between the University and the two organizations are filed in the Office of Research where they are available for review, and members of the Committee and of the Office of Research may be consulted.

Latent Discoveries. Frequently an external agency will solicit materials or devices from a University project to investigation by the agency staff for any patentable discovery. Such a solicitation shall be referred to the Committee which will determine that there is no apparent discovery which should be developed under this policy. The Committee will also determine that proposed arrangements with the soliciting agency are reasonable from the point of view of the University and University personnel involved. It will submit a written report to the Vice President for Research, who will take appropriate action.

Equity. The equity in any marketable invention is expressed as a percentage of income. Nothing herein shall conflict with an agreement signed by the University as a condition to receiving support from an external sponsor.

1. In cases where the inventor proceeds on his/her own but in which the University has established an interest (Categories 2 and 3), the University will receive 15 percent of the net income.

2. In cases in which Research Corporation assumes responsibility, after first deducting any expenses of litigation consented to by the University, 42½ percent of royalty income will be retained by the Corporation in accordance with the terms of the agreement. The first \$1,000 of the balance will be paid to the inventor, and any balance beyond \$1,000 will be divided equally between the University and the inventory. All costs of filing and prosecuting U.S. and foreign patents, for for negotiating and administering licenses are paid by Research Corporation out of its 42½ percent of the royalty income.

3. In cases where the Batelle Development Corporation assumes responsibility, 50 percent of income will be paid to BDC after deducting amounts from income necessary to reimburse BDC for its expenses including, but not limited to, research and development expense, patent expense, and licensing expense. The first \$1,000 of the balance will be paid to the inventor, and any balance beyond \$1,000 will be divided equally between the University and the inventor.

4. In cases in which the University assumes responsibility, 25 percent of net income will be paid to the inventor.

With a Category 1 discovery (no University interest), the inventor may elect to use the services of a patent development corporation, submitting his/her discovery through the University. In these cases the distribution of income between the University and the inventor will be adjusted in favor of the inventor.

COPYRIGHT POLICY

Definition of University-Commissioned Educational and Other Literary Materials, and Media Materials.

1. The University of South Carolina recognizes the right of all employees to engage in the uncommissioned creation of scholarly, pedagogical, and artistic works subject to copyright, and to copyright such works and to receive royalties from their use. Uncommissioned activities are defined as those which do not receive substantial aid from the University or from an outside agency through University channels. The University does not normally construe the provision of office and library facilities and modest routine secretarial assistance as constituting substantial aid, nor does it construe the payment of salary as substantial aid except in situations where the funds are paid specifically to support the development of original materials to copyright. Scholarly books and articles, textbooks resulting from usual teaching activities, painting, musical compositions, graphic art, and media materials are all examples of work that may be commissioned.

2. The University gains a right to materials subject to copyright when such materials result from activity commissioned by the University or by an outside agency through University channels. The substantial aid that constitutes a commission may be in the form of directly allocated funds of the University facilities and resources. Educational, literary, and media materials which may be commissioned by the University include, but are not limited to, the following:

- a. Books; periodicals; lectures or other productions prepared for oral delivery, and the notes to same; study guides, texts, syllabi, workbooks, bibliographies, and tests.
- b. Programmed instructional materials.
- c. A work or works of art or models or designs for a work or works of art.
- d. Slides, transparencies, charts, maps, photographs, drawings, prints, pictorial illustrations, labels, and other graphic materials, photographic or similar visual materials and film strips.
- e. Computer programs.
- f. Dramatic productions, musical productions or music compositions of any length or description.
- g. Three-dimensional works of a scientific, technical or instructional character.
- h. Three-dimensional materials and exhibits.
- i. Motion pictures.
- j. Recorded video and audio tapes or live transmission.
- k. Contributions to or component parts of any of the above, including notes, drafts, models, story outlines, scripts, shooting scripts, production outlines, out-takes.
- l. Combinations of the above and other types of materials; e.g., multimedia and other instructional or educational, literary, and media packages.
- m. Reproductions of any of the above in any quality and in any form.

3. Faculty members, students, or staff members having questions as to whether educational, literary, and media materials they are preparing or planning to prepare should be considered University-commissioned, must petition their department heads who will in turn notify the "Patent and

Copyright Committee" of the circumstances surrounding the project. The petition should contain brief descriptions of the materials to be produced, the resources to be utilized, and a statement concerning the time to be devoted by the author/creator to its preparation. The committee may wish to call a hearing to further investigate the production of the piece of work in accordance with the Review Procedures in Section II. The findings of the Committee and the Vice President for Research are subject to appeal as outlined in Section III.

Ownership and Copyright. The legal title to all University-commissioned educational, literary and media materials as defined in Section II shall be vested in the University of South Carolina with the following exception: materials produced on the grants from the Federal government or other outside sponsors shall be subject to the conditions of the contract or grant (to be negotiated solely by the University) with respect to ownership, distribution, use and other residual rights of and to such materials. All such materials shall bear the required statutory notice of copyright naming the University as the copyright proprietor. The University will advance the copyrights on those materials deemed by legal counsel to be eligible for new copyright. After consultation with the author, the University may at its discretion use, assign, transfer, license, lease, or sell all or part of its legal rights in educational, literary, and media materials.

Pre-Production Agreement. Since conditions of production, use and final disposition will vary from time to time prior to the beginning of production, authors/creators and the University will develop written agreements to define the rights and responsibilities of the parties. Such agreements are subject to the guidelines set forth herein, and will be complete and specify any or all exclusions. The University legal staff will be consulted so that appropriate contractual details may be worked out, and a final copy of all contracts shall be maintained on record in the legal office.

Internal University Use. "Internal" is defined as all University of South Carolina campuses, and extensions by television or otherwise.

All use of University-Commissioned materials by any unit of the University for instruction or other purposes will be subject to the following conditions:

1. Use internal to the University requires approval of the college, department, or individual primarily responsible for the materials, so long as said materials are used within the context of their intended use. Use out of such context requires special permission of the creator(s) and his/her/their department.

2. The contribution of the faculty member, student or staff member involved in the production of University-commissioned materials must be explicitly recognized and noted by the user.

External Use. After consultation with the author the University as owner and copyright holder may at its discretion assign, license, transfer, lease, sell, or otherwise convey all or parts of its rights in University-commissioned materials. Charges to external users will be negotiated solely by the University or its assignees with such users. It is not possible that differing fees to other state agencies, non-profit educational users, consortium users, and others will be a result of these negotiations. In any case, the University has the exclusive right to set per unit prices, package prices, and conditions under which sale, lease, reproductions or use of materials is authorized.

Revision. Revision of University-commissioned material which does not require substantial University resources may be made at any time by the faculty member, student, or staff member involved subject to the approval of the member's department.

The responsible faculty member(s) may recommend to the University and other users the discontinuance of distribution and/or use of materials which he/she/they deem(s) no longer appropriate, or which he/she/they judge(s) to be detrimental to his/her/their professional reputation(s). Mutual agreement by both parties is required for revision or discontinuance in such cases.

After a significant period of non-use (at least three years), materials which have not been revised shall be reviewed by the authoring faculty member, student, or staff member, and the University unit or units most directly involved in their production and the authoring faculty member, student, or staff member may request their withdrawal, erasure, or destruction. The University, in its sole discretion, may require such withdrawal, erasure, or destruction and its decision in that regard shall be final.

Equity. With the exceptions specified below, the University shall not make any payment to the University-employed faculty member, student, or staff member involved in the production of University-commissioned educational, literary, and media materials for production and internal use other than the compensation which he/she/they regularly receive(s) from the University.

1. Exceptions on payments for internal use of materials:

- a. At the discretion of the department head faculty will normally be accorded released time at a declining level through the stages of planning, production, and presentation, including the first and subsequent semesters of utilization. Faculty eligible for released time include the responsible faculty member and other faculty members assigned to work on the project by department or its functional equivalent.

- b. If the faculty member, student, or staff member leaves the University, further internal use of the materials upon reasonable terms shall be provided for and payments to him/her or his/her estate for such internal use of the material shall continue to be made, subject to terms of pre-production agreements.

- c. A faculty member, student or staff member not on assignment to the University (e.g., during summer sessions or on leave) but appearing in or involved in producing educational, literary, or media materials may be provided compensation when such materials in which he/she personally and prominently appears are used. Compensation will be mutually agreed upon in the pre-production agreements by the faculty member, student, or staff member and the department involved, based upon (1) the amount of continual responsibility of the party involved for monitoring, revision of lessons, or supervision of the work of the course is known; (2) whether the course is completely or partially recorded; (3) the extent to which the participating faculty member, student or staff member's time and creative efforts have been previously compensated; and (4) any other relevant factors.

2. The University shall have the perpetual right to market or license external use of University-commissioned materials. The financial benefits of external distribution shall be shared by the department or

functional equivalent; the responsible faculty member(s), student, or staff member; and the institution, with a negotiated portion designated for outside or non-University production sources as required.

a. The division of income accruing to the University under this policy shall be 25 percent to the faculty member, student, or staff member (to be divided equitable if there is more than one originator); 25 percent to the department(s) and/or other functional unit which authorized and supported the development and production of the materials; 25 percent to the Instructional Development Fund; and 25 percent as general University income. The monies distributed to the department(s) and/or other functional units and to the Instructional Development Fund shall be used to encourage further educational and instructional activities by the faculty.

b. Exceptions to distribution percentages and/or payment provisions may be made for incentive purposes but must be negotiated in preparation agreements.

3. If the University licenses an external agency to produce or market the materials, the total royalties shall be negotiated between the University and the external agency. The net income from royalties accruing to the University shall be divided among the faculty member, student, or staff member, the University, and the department in the same proportions as previously delineated.

It is expected that the share of each department (or functional equivalent) will be devoted to (1) teaching load adjustment necessitated by production, or (2) development of new course materials or other educational, literary, and media works and/or the revision or upgrading of the original materials.

5. The distributions above shall be continuing except in the case of termination or death. (See 7 below.)

6. The foregoing does not apply to "work-for-hire" arrangements or to the production of copyrightable materials as an assigned duty.

7. The institution's right to use materials will continue regardless of the employment status of the responsible faculty member, student, or staff member. The author/creator's share in the external distribution of revenues shall remain the same for a ten-year period and shall accrue to his/her heirs in the event of termination or death.

PROTECTION AND LIABILITY

1. Protection. The University shall be responsible for the investigation of recorded allegations of unauthorized use or infringement of copyrighted materials. Where legal action is deemed necessary by the University, in its sole discretion, to enforce copyrights, the University agrees that all costs and expenses incidental to such actions shall be borne by the University and any proceeds or litigations in excess of costs shall be shared among the parties in the proportions set forth previously (as applicable) when final adjudication of the legal action is rendered.

3. Liability.

a. The faculty member, student, or staff members responsible for the creation of University-sponsored educational, literary, and media materials shall obtain appropriate releases from individuals prominently appearing in or giving support to the materials, giving all necessary rights to the University. Form releases may be obtained from the University Office of Legal Affairs. All original releases must be filed with the University's legal counsel.

b. Before any external use is made of University-sponsored material, the faculty member, student or staff member authoring or creating the material shall certify in writing to the University that to the best of his/her knowledge materials used therein do not infringe or violate any existing copyright, or other personal or property right of any legal or natural person. If this statement proves false due to misrepresentation or negligence, the faculty member, student, or staff member shall indemnify and hold harmless the University for all costs and expenses to which it has been subjected as a result of such representations made herein.

c. In the event that others allege violations of personal or property rights by the University, or by the faculty member, student, or staff member, or producer to University-sponsored educational and other literary materials, the University will assume responsibility for defense of any litigation and the satisfaction of any judgment rendered against the University, faculty member, student, or staff member. (This provision is subject to the conditions set out above.)

b. Before any external use is made of University-sponsored material, the faculty member, student or staff member authoring or creating the material shall certify in writing to the University that to the best of his/her knowledge materials used therein do not infringe or violate any existing copyright, or other personal or property right of any legal or natural person. If this statement proves false due to misrepresentation or negligence, the faculty member, student, or staff member shall indemnify and hold harmless the University for all costs and expenses to which it has been subjected as a result of such representations made herein.

c. In the event that others allege violations of personal or property rights by the University, or by the faculty member, student, or staff member, or producer to University-sponsored educational and other literary materials, the University will assume responsibility for defense of any litigation and the satisfaction of any judgment rendered against the University, faculty member, student, or staff member. (This provision is subject to the conditions set out above.)

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